

.Brand TLD Designation Application for .グーグル

Internet Corporation for Assigned Names and Numbers ("ICANN")
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094
Attention: New gTLD Program Staff

RE: Application for .Brand TLD Designation

Charleston Road Registry Inc. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .グーグル TLD (the "Registry Agreement"), hereby applies for the .グーグル TLD (Application ID: [REDACTED]) to be qualified by ICANN as a .Brand TLD.

Registry Operator confirms and represents to ICANN that the TLD meets each of the criteria for the TLD to be qualified as a .Brand TLD, as described in the .Brand TLD Application Process and Specification 13 attached thereto, and that all supplemental material accompanying this application is accurate and not misleading in any respect. Registry Operator also represents that the trademark registration attached hereto as Exhibit A and the registration policies attached hereto as Exhibit B are complete and accurate copies of the official trademark registration and Registry Operator's registration policies for the TLD, respectively.

Registry Operator also submits detailed information, including particular evidence, attached hereto as Exhibits C-D, supporting the TLD's satisfaction of the .Brand TLD criteria set forth below.

- i. **TLD and Trademark Identity.** The .グーグル TLD string is identical to the textual elements protected by Japanese Trademark Registration for グーグル ([REDACTED]) (the "グーグル mark"). See Exhibit A. In Japan, a trademark may consist of any character(s), figure(s), sign(s) or three-dimensional shape(s), or any combination thereof, without claim to any particular font style, size, or color and thus consist only of textual elements, which in this case is グーグル. See Japanese Trademark Act Art. 2.5(3).
 - a. **Trademark Clearinghouse Entry.** Registry Operator's Affiliate Google Inc. owns and recorded the グーグル mark including proof of use with the Trademark Clearinghouse, and such proof of use was verified by the Trademark Clearinghouse. A copy of the Signed Mark Data file (ID No. [REDACTED]) issued by the Trademark Clearinghouse for the グーグル mark is attached hereto as Exhibit C.

- b. **Trademark Ownership.** As detailed in its new gTLD application for the .
グーグル TLD, the statements and representations of which were expressly
warranted as true and accurate by Registry Operator by submitting its
application under the Top-Level Domain Application Terms and Conditions,
Registry Operator is a wholly-owned subsidiary of Google Inc. Under the
Registry Agreement, "Affiliate" means a person or entity that, directly or
indirectly, through one or more intermediaries, or in combination with one
or more other persons or entities, controls, is controlled by, or is under
common control with, the person or entity specified, and (ii) "control"
(including the terms "controlled by" and "under common control with")
means the possession, directly or indirectly, of the power to direct or cause
the direction of the management or policies of a person or entity, whether
through the ownership of securities, as trustee or executor, by serving as an
employee or a member of a board of directors or equivalent governing
body, by contract, by credit arrangement or otherwise. As the owner of all
shares of Registry Operator, Google Inc. has the power to directly control
the Registry Operator. Google Inc. is thus an Affiliate of Registry Operator,
and is the owner of the Japanese trademark registration for the グーグル
mark.
- c. **Registration Timing.** The trademark registration for the グーグル mark
was issued on January 18, 2008 (See Exhibit A), well before ICANN opened
its new gTLD application window on January 12, 2012 and the Registry
Operator submitted its TLD registry application.
- d. **Continuous Trademark Use.** Registry Operator's Affiliate Google Inc. has
continuously used the グーグル mark in connection with all of the services
identified in the submitted trademark registration since at least as early as
2006, and intends to maintain such use through the Term of the Registry
Agreement. Specimens showing Google Inc.'s use of the mark for the
services identified in the submitted trademark registration are attached
hereto as Exhibit D.
- e. **No Punctuation.** The グーグル mark does not begin with a period or dot.
See Exhibits A, D.
- f. **Trademark Unrelated To Registry Services.** Registry Operator's Affiliate
Google Inc. has continuously used the グーグル mark in connection with all
of the services identified in the submitted trademark registration since at
least as early as 2006, and intends to maintain such use through the Term of
the Registry Agreement. See Exhibits A, D. The services identified in the
submitted trademark registration and supporting specimens do not
reference the provision of any TLD Registry Service, as defined in Section
2.1 of Specification 6 of the Registry Agreement.

- ii. **Registrants and DNS Record Control.** As detailed in its Registration Policies (See Exhibit B), only Registry Operator, its Affiliates or its Trademark Licensees are eligible to be registrants of domain names in the TLD and control the DNS records associated with domain names at any level in the TLD.
- iii. **Non-Generic String.** The applied-for TLD グーグル is not a Generic String TLD as defined in Specification 11 of the Registry Agreement. As defined in Section 3(c) of Specification 11 of the Registry Agreement, "Generic String" means a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others. "グーグル" is not a general class of goods or services, but is a specific brand of goods or services offered by Google Inc. At the Japanese Patent Office, Trademark Examiners substantively analyze trademark applications to determine if they are unregistrable for being generic in relation to the applied-for goods and services. See Japanese Trademark Act, Art. 3. Registry Operator's Affiliate, Google Inc. holds a presumptively valid Japanese trademark registration (Reg. No. [REDACTED]) for the グーグル mark, meaning that it is the opinion of the Japanese Patent Office that the word グーグル is not generic, and that it distinguishes a specific brand of services from the services of others.
- iv. **Registration Certificate.** Registry Operator has provided ICANN with an accurate and complete copy of a Japanese trademark registration [REDACTED] for the グーグル mark. See Exhibit A.

Registry Operator agrees that if Registry Operator makes any changes to its registration policies for the TLD (whether before or after this application has been approved) that may disqualify the TLD as a .Brand TLD, it will promptly provide ICANN with a complete and accurate copy of the revised registration policies. In addition, if Registry Operator fails to maintain the trademark registration underlying its .Brand TLD application, it shall promptly notify ICANN of such failure. Registry Operator also agrees to maintain the criteria required to qualify as a .Brand TLD and to immediately notify ICANN of any changes in circumstances that could alter the statements made, and supporting materials provide with, this application.

Registry Operator acknowledges and agrees that this letter is binding on Registry Operator and, if any of the foregoing representations and agreements becomes untrue or not complied with, it shall be deemed a breach of the Registry Agreement by Registry Operator, and ICANN may assert its rights under the Registry Agreement, including by determining that the TLD no longer qualifies as a .Brand TLD pursuant to the terms of Specification 13.

Questions about this request should be directed to Sarah Falvey.

Submitted by:
Position:
Dated:
Email:

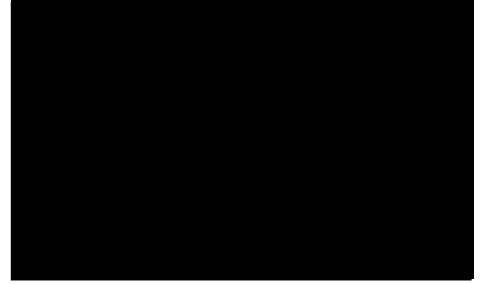


Exhibit A

Trademark Registration

(Translation)

CERTIFICATE OF TRADEMARK REGISTRATION

REGISTRATION NUMBER 

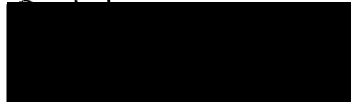
THE MARK: (Standard Character)


グーグル ("GOOGLE" in Japanese katakana)

LIST OF GOODS AND SERVICES:

- Cl. 9 Electronic machines, apparatus and their parts; Telecommunication machines and apparatus; Electronic publications
- Cl. 38 Telecommunication (other than broadcasting); Data communication; Transmission of voice, data and graphics via computer and telecommunication network; Providing user access to a global computer network (service providers); Electronic bulletin board services [telecommunication services] in a chatroom format; Electronic bulletin board services (telecommunication services); Electronic mail; Teleconferencing services; Communications by computer terminals; Communication by telephone; Mobile telephone communication; Providing telecommunication connections to the Internet; Communications by computer terminals for use in group interaction;
Refer to the attached sheet

OWNER OF THE TRADEMARK RIGHT:



APPLICATION NUMBER : 

FILING DATE : December 14, 2006

This is to certify that the trademark is registered on the register of the Japan Patent Office.

January 18, 2008

COMMISSIONER OF THE JAPAN PATENT OFFICE

Signature



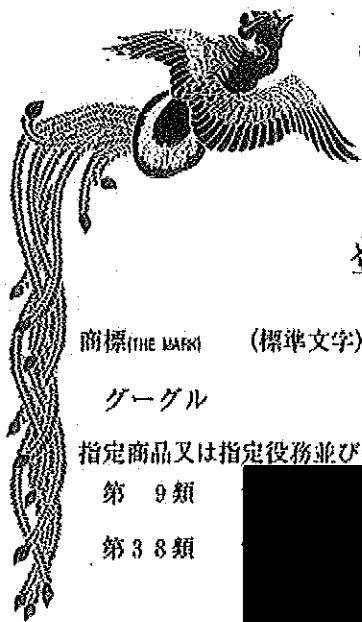
(Translation)

CERTIFICATE OF TRADEMARK REGISTRATION

REGISTRATION NUMBER : [REDACTED]
APPLICATION NUMBER : 2 [REDACTED]

LIST OF GOODS AND SERVICES:

- (Cl. 38) Instant messaging communication; Communication by voice over ip; Providing wireless communication connections to computer networks
- Cl. 42 Providing computer software; Computer software design, computer programming, or maintenance of computer software; Providing computer programs for data mining and data analysis; creating searchable indexes of information, web sites and other information sources; search engine services; Consulting in connection with providing computer software; Consulting in connection with computer software design, computer programming, or maintenance of computer software; Consulting in connection with providing computer programs for data mining and data analysis; Consulting in connection with creating searchable indexes of information, web sites and other information sources; Consulting in connection with search engine services; Rental of memory area for communication network services; Consulting in connection with rental of memory area for communication network services



商標登録証
(CERTIFICATE OF TRADEMARK REGISTRATION)

登録第 [REDACTED] 号
(REGISTRATION NUMBER)

商標 (THE MARK) (標準文字)

グーグル

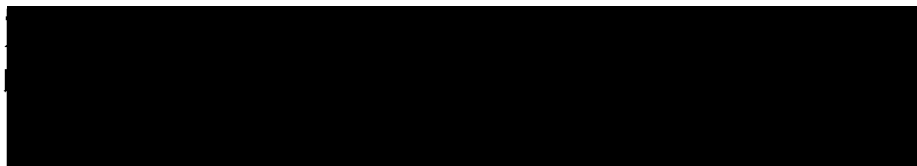
指定商品又は指定役務並びに商品及び役務の区分 (LIST OF GOODS AND SERVICES)

第 9 類

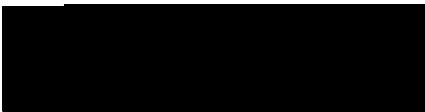
第 38 類



商標権者 (OWNER OF THE TRADEMARK RIGHT)



出願番号 (APPLICATION NUMBER)



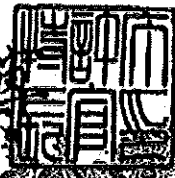
出願年月日 (FILING DATE)

この商標は、登録するものと確定し、商標原簿に登録されたことを証する。
(THIS IS TO CERTIFY THAT THE TRADEMARK IS REGISTERED ON THE REGISTER OF THE JAPAN PATENT OFFICE.)

平成 20 年 1 月 18 日 (January 18, 2008)

特許庁長官 (COMMISSIONER, JAPAN PATENT OFFICE)

肥塚 雅博



商標登録証

(続葉 1)

(CERTIFICATE OF TRADEMARK REGISTRATION)

登録第
商願

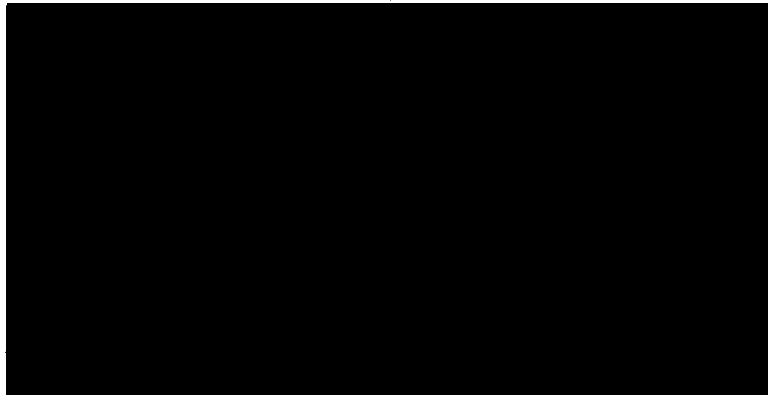
商標登録証
登録番号

(APPLICATION NUMBER)

指定商品又は指定役務並びに商品及び役務の区分 (LIST OF GOODS AND SERVICES)

(第 3 8 類)

第 4 2 類



(100)日本國特許庁 (JP)

商 標 公 報

(511) 第9類

(111) 商標登録
(151) 登録日

(541)
(500)
(511)

(501)
検索用:
類似群:
第9類
第38類
第42類
特許官

監修 日本國特許庁

(190) EI ~ ~ ~r~r~ (JP)

Exhibit B

.グーグル TLD Registration Policies

Mission

The mission of the proposed gTLD, .グーグル, is to make the world's information universally accessible and useful through the streamlined provision of Google services. The purpose of the proposed gTLD is to provide a dedicated Internet space in which Google can continue to innovate on its Internet offerings, and specifically reach an audience of Japanese-speaking Internet users. Registry Operator will also support IDNs at the second-level for the Japanese language within the proposed gTLD. The proposed gTLD will augment Google's offerings through existing registries, provide Google with greater ability to categorize its present online locations around the world, and provide a more recognizable, branded, trusted web space to both the general Internet population and Google employees.

In addition, the .グーグル gTLD will clearly be differentiated from other gTLDs due to its purposefully limited scope. This differentiation includes:

- (1) A clear indicator that second-level domains within the gTLD offer a particular, targeted content; and
- (2) The ability for Registry Operator's Affiliates to affix Google's well-known brand to second-level domains, which will result in Internet users immediately knowing the source of the gTLD.

Registration Policies

Registry Operator believes that the .グーグル gTLD will best add value to the gTLD space by remaining completely closed for use by Google. Second-level domain names within the proposed gTLD are intended for registration by Registry Operator, its affiliates and its trademark licensees.

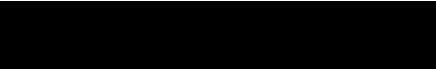
Google's existing business and marketing decision-making channels will define policies and manage decisions, in accordance with the technical specifications in Registry Operator's agreement with ICANN, regarding the reservation, activation, allocation, registration and DNS Records of all domain names within the TLD. Once a name considered for reservation, activation, and/or registration has been reviewed and deemed in compliance with internal rules and procedures, the name will be approved by authorized employees of Google and submitted for reservation, activation, and/or registration through an ICANN-accredited registrar in accordance with the Registry Agreement. The registration and use of domain names in the gTLD will also be shaped by Registry Operator's:

(1) Abuse prevention policy (available at <http://www.google.com/registry/policies/domainabuse/>); and

(2) Privacy policy (available at <http://www.google.com/registry/privacy.html>).

If multiple parties affiliated with the Registry Operator express an interest in registering the same domain name, the designated personnel will make the decision regarding which party's registration and use of the domain name is a higher business priority.

Date XX/XX/2014
To **BBVA Spain**
From Name of empowered person

Subject: Release of liability of Guarantee N 

Maturity: April 1, 2014, registered in the Special Registry of warranties with no.

0182000774317

To whom it may concern:

I, name of the person, acting in representation of BENEFICIARY (with its registered seat



For this reasons we request you to cancel the above mentioned guarantee.

Sincerely,

Stamp and Signature of the company in Company's letterhead.
